

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No.16610 The Reinstatement of Application of 5501Connecticut Avenue Associates, pursuant to 11 DCMR 3104.1, for a special exception under Section 214 to continue to operate an accessory parking lot serving a commercial building on the same lot in a C-1 and R-1-B District at premises 3725 Livingston Street, N.W. (Square 1868, Lot 69).

HEARING DATE: October 10, 2000

DECISION DATE: October 10, 2000 (bench approval)

SUMMARY ORDER

The zoning relief requested in this case is self-certified, pursuant to 11 DCMR 3113.2.

The Board provided proper and timely notice of the public hearing on this application by publication in the D.C. Register, and by mail to Advisory Neighborhood Commission (ANC) 3G, and to owners of property within 200 feet of the site.

The site of the application is located within the jurisdiction of ANC 3G. ANC 3G, which is automatically a party to this application, filed a written statement in support of the application.

As directed by 11 DCMR 3119.2 the Board has required the applicant to satisfy the burden of proving the elements which are necessary to establish the case for a special exception under 11 DCMR 223. No person or entity appeared at the public hearing in opposition to this application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board, the Board concludes that the applicant has met the burden of proof, pursuant to 11 DCMR 3104.1, that the requested relief will be in harmony with the general purpose and intent of the Zoning Regulations and Maps and will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps.

It is therefore **ORDERED** that the application be **GRANTED**, **SUBJECT** to the following **CONDITIONS**:

1. Approval shall be for a period of **SEVEN (7) YEARS.**

BZA
Case No. 16610
Exhibit No. 24

Board of Zoning Adjustment
District of Columbia
CASE NO.16610
EXHIBIT NO.24

2. The parking layout shall be as shown on plat marked as Exhibit No.2 record.

3. The applicant shall prohibit loitering on the lot. In the event that one or more vagrants are loitering on the lot, the applicant shall contact the Metropolitan Police Department.

4. The applicant shall comply with all D.C. Laws regarding snow removal on public sidewalks adjacent to the site.

5. Directional arrows and parking spaces are to be repainted.

6. The applicant shall maintain in good condition the "Right Turn Only" sign in the public space at the exit from the lot to direct traffic toward Connecticut Avenue.

7. All areas devoted to driveways, access lanes, and parking areas shall be maintained with a paving of material forming an all-weather impervious surface. Parking spaces shall be repainted.

8. Bumper stops shall be erected and maintained for the protection of adjoining buildings.

9. No vehicles or any part thereof shall be permitted to project over any lot line or building line, or on or over the public space.

10. All parts of the lot shall be kept free of refuse and shall be paved or landscaped.

11. No other use shall be conducted from or upon the premises and no structure other than an attendant's shelter shall be erected or used on the premises unless such use or structure is otherwise permitted in the zone district in which the parking lot is located.

12. Any lighting used to illuminate the parking lot or its accessory building shall be so arranged that all direct rays of such lighting be confined to the surface of the parking lot.

13. The attendant's shelter shall not be located nor project into public space.

Pursuant to 11 DCMR 3101.6, the Board has determined to waive the requirement of 11 DCMR 3125.3 that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party, and is not prohibited by law.

VOTE: 5-0 (Robert Sockwell, Anthony J. Hood, Anne Renshaw, Rodney Moulden and Sheila Cross Reid to approve)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

Attested by: Jerrily R. Kress
Director

Final Date of Order: NOV - 3 2000

PURSUANT TO D.C. CODE SEC. 1-2531 (1999), SECTION 267 OF D.C. LAW 2-38, THE HUMAN RIGHTS ACT OF 1977, THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF D.C. LAW 2-38, AS AMENDED, CODIFIED AS D.C. CODE, TITLE 1, CHAPTER 25 (1999), AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. THE FAILURE OR REFUSAL OF APPLICANT TO COMPLY WITH ANY PROVISIONS OF D.C. LAW 2-38, AS AMENDED, SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER.

UNDER 11 DCMR 3125.9, "NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO § 3125.6."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF TWO YEARS, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

Order16610/smp

BZA APPLICATION NO. 16610:

As Director of the Office of Zoning, I hereby certify and attest that on NOV - 3 2000, a copy of foregoing Decision and Order in BZA Appeal No. 16610 was mailed first class, postage prepaid, or via D.C. Government interoffice mail, to each party who appeared and participated in the public hearing concerning the matter, and who is listed below:

Theodore Kligman
503 D Street, N. W.
Washington, D.C. 20001

Anne M. Renshaw
Advisory Neighborhood Commission 3G
Chevy Chasse Community Center
5601 Connecticut Avenue, N.W.
Washington, D.C.

Councilmember Kathleen Patterson
441 4th Street N.W.
Suite 708
Washington, D.C. 20001

Michael Johnson
Zoning Administrator
Building and Land Regulation Administration
Department of Consumer and Regulatory Affairs
941 N. Capitol Street, N.E.
Washington, D.C. 20002

ATTESTED BY:

JERRILY R. KRESS, FAIA
Director, Office of Zoning